

**Regular City Council Meeting**  
**Monday, April 18, 2016**  
**Bloomington Civic Plaza**  
**1800 West Old Shakopee Road**  
**Bloomington, Minnesota 55431-3027**

- 1      **CALL TO ORDER - 7:00 PM**      Mayor Winstead called the meeting to order at 7:00 p.m.
- Present:      Councilmembers C. Abrams, J. Baloga, T. Busse, A. Carlson, D. Lowman, and J. Oleson
- 2      **INTRODUCTORY**
- 2.1      **FLAG PRESENTATION**      Boy Scout Troop 446 introduced themselves after leading the audience in the pledge of allegiance to the flag.
- 2.2      **2016 Diversity Day Logo Contest Winner**      Requested Action: Recognize Jefferson High School 10<sup>th</sup> grader, Cole McClure, for winning the 2016 Diversity and Peace Day t-shirt logo design contest. A check and gift card were presented to McClure.
- 2.3      **Arbor Day Proclamation**      Mayor Winstead read and presented the Arbor Day proclamation. Mayor Winstead recognized Bloomington as a tree city and announced the upcoming tree sale scheduled for May 7. Trees must be preordered.
- 3      **CONSENT BUSINESS**
- 3.1      **Approve Contract Signal Optimization and ITS Project Design Construction Services**      Requested Action: Staff requests approval of the agreement for professional engineering services with Alliant Engineering for Engineering Design and Construction Services for Signal Optimization and ITS Project (City Project 2016-202).
- Motion by Baloga.  
   Seconded by Carlson.  
   Motion carried 7-0.
- 3.2      **Sage Provider Agreement with the Minnesota Dept. of Health Approve**      Requested Action: Approve Sage Provider Agreement with Minnesota Department of Health.
- Motion by Baloga.  
   Seconded by Carlson.  
   Motion carried 7-0.
- 3.3      **Approve Settlements of Easement Acquisition (2600 and 2620 W 98th St)**      Requested Action: Staff recommends approval of the easement settlements for 2600 and 2620 W 98<sup>th</sup> St.
- Motion by Baloga.  
   Seconded by Carlson.  
   Motion carried 7-0.
- 3.4      **Dan and Jodi Hogan;**      Requested Action: In Case PL2016-34, the Hearing Examiner and staff

**7617 W 84th Street;  
Variance Yard Set Back**

recommend: move to adopt a resolution to approve a variance to reduce the side yard setback for a yard abutting a street from 30 feet to 25 feet for a garage addition at 7617 West 84<sup>th</sup> Street, subject to the conditions noted in the staff report.

Motion by Baloga.  
Seconded by Carlson.  
Motion carried 7-0.

**3.5 Meeting Minutes City  
Council - Approval**

Requested Action: Approve the March 21, 2016 City Council Regular meeting minutes as presented.

Motion by Baloga.  
Seconded by Carlson.  
Motion carried 7-0.

**3.6 Award of Contract For  
2016-102 PMP Street  
Maintenance Project**

Requested Action: Staff recommends that the 2016-102 PMP Street Maintenance Project be awarded to the McNamara Contracting, Inc., in the amount of \$3,722,540.60 and approve various contract changes up to 5% of the original contract amount (\$186,127.03) for a total project construction authorization of \$3,908,667.63.

Motion by Baloga.  
Seconded by Carlson.  
Motion carried 7-0.

**3.7 New Polling Places  
Adopt Resolution**

Requested Action: Approve resolution designating Bloomington City Hall, 1800 West Old Shakopee Road, as the polling place for Precinct 11 and Bloomington Covenant Church, 10150 Xerxes Avenue South, as the polling place for Precinct 13.

Item held by Abrams so an explanation could be provided for the new polling places for Precincts 11 and 13.

City Clerk Janet Lewis provided explanation behind changing two polling places due to some parking lot restrictions at Jefferson Activity Center. For Precinct 11, there are additional security requirements that must be met. The polling place was changed to the Civic Plaza rehearsal hall. Explained polling place selection process.

Lewis explained that moving polling places requires mailings and additional notifications to be sent out to the impacted residents. Will also continue to post signs at former voting places letting residents know of the changes.

Motion by Abrams.  
Seconded by Carlson.  
Motion carried 7-0.

**3.8 Curb, Gutter, and  
Sidewalk Contract –  
Approve Amendment**

Requested Action: Approve award of a contract amendment to Ron Kassa Construction, Inc. for curb, gutter, and sidewalk replacement to extend the term through March 31, 2017 and increase the not-to-exceed amount from \$137,062.50 to \$372,062.50 for the total contract period.

Motion by Baloga.  
Seconded by Carlson.  
Motion carried 7-0.

**3.9 Approve Plans and Specs for 2016-901 Storm Sewer Maintenance Project**

Requested Action: Staff recommends the City Council approve the plans and specifications for the 2016-901 Storm Sewer Maintenance Project.

Motion by Baloga.  
Seconded by Carlson.  
Motion carried 7-0.

**3.10 Authorization for Full-Time Records Clerk**

Requested Action: The Council is asked to authorize the expenditure of an additional \$10,000 in wages and benefits within the City Clerk's budget to fund a full-time rather than a part-time Records Specialist position.

Motion by Baloga.  
Seconded by Carlson.  
Motion carried 7-0.

**3.11 Vehicle Purchase Authorization**

Requested Action: Authorize the purchase of two vehicles from the Equipment Reserve Fund.

Motion by Baloga.  
Seconded by Carlson.  
Motion carried 7-0.

**4 PUBLIC COMMENT PERIOD**

**4.1 Response to Prior Meeting's Public Comments**

Requested Action: City Manager Verbrugge followed up with the previous meetings questions by Sally Ness regarding food license and food manager requirements, parking lot complaints, which were explained again. Responded to Ness' previous questions regarding Fire Marshal visits within fire lanes. Ness' questions regarding type III vehicles were explained. Verbrugge read the correspondences that were mailed to Ness.

Mayor Winstead stated that written response was also provided to Ness, and that some of the issues presented have been presented before, so this is not a valuable use of time during City Council meetings. If people in the neighborhood have parking issues, advised them to call 911 and get officers out to tag vehicles appropriately.

Verbrugge followed up on the possibility of a Sustainability Commission which was mentioned during public comment period at the last Council meeting. Explained that the upcoming strategic planning session will allow for more discussion of this topic and added that more information will be coming at a later date.

**4.2 Public Comment**

Speaker #1: Kenneth Nelson, 501 East 100<sup>th</sup> Street:  
Spoke regarding the abandoned lot next door at 425 E. 100<sup>th</sup> Street. Nelson explained the history of ownership of the property. This house has been vacant for five years. The City mows but would like more mowing to be done. There have been many inquiries about purchasing that house. Said that City of Bloomington Environmental Services considers the house vacated as long as it has an owner. Nelson believes this house should be considered abandoned because it was abandoned by the bank and has not been put up for sale. Added that he has done everything he can do and would like some help.

Mayor Winstead said the issue would be researched, but they are unable to

respond with a resolution at this time. Winstead offered to contact the CEO if Nelson provides the name and contact information.

Speaker #2: Ron Martelle, PO Box 20306, 8536 1st Avenue South:  
Spring Lake Park needs to be licensed and asked if tree trimmers need to be licensed for tree trimming in Bloomington.

City Manager Verbrugge said Staff will find out and provide that information.

Speaker #3: Sally Ness, 8127 Oakland Avenue South:  
Commented on the rules and procedures regarding raising issues at City Council meetings. Addressed the issue of food license and berm that City Manager Verbrugge responded to during item 4.1.

Mayor Winstead asked Ness not to continue bringing up the issue of berms and parking issues that had been previously responded to.

Ness continued to discuss the berm, landscaping issues, and food licenses.

Mayor Winstead stated Ness has brought nothing new up and insisted that these issues do not come here again since they have been addressed and responded to. If there are new issues, they can be brought up.

Speaker #4: Vi Rozek, 8214 Park Avenue South:  
Asked what Bloomington's role in maintenance is at 8201 Park Avenue. Showed a billing from the cleaning service where trash was cleaned up at the back of the building. Billing was sent to the City. Asked City Council about billing for the center for clean-up since 2015. Asked if it is customary to clean up any parking lots at a religious facility, or if residents absorb the costs on taxes. Asked if a building that's not maintaining get fined. Added that she has never seen the City clean the grounds or parking lots.

City Manager Verbrugge explained that when we have orders issued for code enforcement or environmental, we have contractors that we call in to perform the work, and then we are billed, and the property owner is billed. If the property does not pay, they get a special assessment. Will provide more of a response at the next City Council meeting.

Speaker #5: Lois Norrgard, 10368 Columbus Circle:  
Mentioned the possibility of a Bloomington Sustainability Commission. Presented a letter to urge this issue, adding that it should be high priority. A task force is in place to do the research. Said there is so much that goes into this and there is a lot of expertise that residents have to help with this type of work and to bring the benefits to City Council.

Speaker #6: Paul Erdman, 7515 Isaak Walton Road:  
Echoed what was said regarding the need for a Sustainability Commission.

Speaker #7: Gregg Thompson  
Serving two terms in PARC as well as on other commissions, have become more aware of the environmental issues that aren't covered by those commissions. Advocates strongly for a Sustainability Commission. Prefers a liaison to be within Administration at the City of Bloomington.

Mayor Winstead closed the public comment period at 8:00pm.

5 LICENSING DIVISION:  
PUBLIC HEARINGS

6 DEVELOPMENT  
BUSINESS: PUBLIC

## HEARINGS

**6.1 Marketpointe II 4400 W 78th St.; Major Revision to Final Development Plan**

Requested Action: The Planning Commission and staff recommend approval of the Major Revision to Final Development Plans for a parking structure expansion at the Marketpointe II office development. The following motion is suggested:

In Case PL2016-30, having been able to make the required findings, move to approve a Major Revision to Final Development Plans for the Marketpointe II parking ramp expansion at 4300 and 4400 West 78<sup>th</sup> Street and 4300 Marketpointe Drive, subject to the conditions and Code requirements attached to the staff report.

Mayor Winstead dismissed himself from this item due to having a relationship with this property.

Community Development Manager Glen Markegard mentioned the 4400 W. 78<sup>th</sup> Street via PowerPoint presentation. Proposal is to add onto the phase 2 parking ramp. There are tenant changes with CBRE adding more employees requiring more parking. Proposing 249 new spaces, a 4-level addition. Explained the ramp design.

Baloga said that when the building needed additional space, there would be a provision that would terminate to have adequate parking. Baloga noted that in the staff report, the depth of parking spaces was non-compliant. To rectify that, asked if they could they keep the parking lanes within code, or if that would mean an expansion of the building by a couple feet.

Markegard said in this case, they could classify this as compact parking stalls. The intent is to have the striping shorter, encouraging people to park forward further. In the future, if it needs to be code required, they'd need to stripe to meet the code.

Markegard showed the approved Phase III plan and parking ramp proposal. Would be building less than half of that.

Carlson asked if it's a possibility to make the connection of the sidewalk a condition of approval. City Attorney Sandra Johnson to investigate to find out what's written in the code.

Markegard said there would be two exit points out of the 4300 MarketPointe ramp, one to the south and one to the east. Markegard offered to look back at staff report to find the differences in the parking spaces. Added there is physical space but would need to work with the property owners to the north.

Dan Mueller, Ryan Companies, the applicant, mentioned the two parcels are separated by ownership. CBRE remaining in MarketPointe but changing use, driving more density which will require more car parks. This expansion would take care of surface parking needs.

Baloga asked about surface parking being used by someone outside of the building. Mueller to look into if this is happening.

Mueller discussed the parking stall depth. Decided on 15-foot depths. Can discuss widening to an 18-foot depths. The proposal for 3 Marketpointe design and plan is just conceptual at this point.

Mueller mentioned concerns with how it will impact future development. Would have to shift parking ramp to the east and work with owners to the north to know exactly how that lays out. This is a concern, but can be

worked through. Added that the sidewalk that currently runs along Johnson was not part of current scope because it would not change the use pattern, but would like to add trees and landscaping.

Baloga expressed discomfort with the utilization at the surface lot, and that there is not a condition that addresses the surface lot.

Baloga recommended the developer add as a condition that states affirmatively that all parking spaces be limited to the use of the building, for the ramp as well.  
Seconded by Abrams.

Mueller said if there is excess parking in the ramp, there might be some concern with flexibility.

Abrams sees this as an important stretch of sidewalk that needs to be incorporated, and improvement to this area would contribute to its vitality. This was supported by Lowman.

Baloga said it seems there are some similar elements, but this is an addition to a parking structure rather than redevelopment of a building. Not adjacent to the street where the sidewalk exists. There may be separate parcels. Suggested getting an opinion from Legal, and if the plan is pursue this, carry this over to a future City Council meeting.

Busse summarized that are unresolved issues that need to have answers. The third party parking, status of the 4300 lot.

Markegard said the agency action deadline is April 30<sup>th</sup> but can be extended 60 days to June 29<sup>th</sup>. Applicant is able to do this continuance.

Abrams moved the continuation and requested staff to address 4300 78<sup>th</sup> Street as 4300 Street South instead of Avenue North.  
Seconded by Baloga.

Oleson expressed concerned over the sidewalk issue. Unsure how putting this sidewalk in will increase opportunities. Expressed support to continuing this item.

Item 6.1 to continue to May 2, 2016 Regular City Council Meeting.  
Motion carried 6-0. Mayor Winstead abstained.

**6.1.1 Continue Item 6.1 to  
May 2, 2016 City  
Council Meeting**

Abrams moved the continuation and requested staff to address 4300 78<sup>th</sup> Street as 4300 Street South instead of Avenue North.  
Seconded by Baloga.

Item 6.1 to continue to May 2, 2016 Regular City Council Meeting.  
Motion carried 6-0. Mayor Winstead abstained.

**7 TRANSPORTATION &  
UTILITY  
IMPROVEMENTS:  
PUBLIC HEARINGS**

**7.1 2016-501: Approve  
Feasibility and Order  
Bloomington Ave.**

Requested Action: It is recommended that Council adopt resolution to accept the feasibility study and order the 2016-501 project for construction.

**Sanitary Sewer Project**

Sr. Civil Engineer Julie Long explained the project via PowerPoint presentation, including construction of 24" sanitary sewer main down Bloomington Avenue from 86<sup>th</sup> Street to 90<sup>th</sup> Street, redirecting existing flow on Old Cedar Avenue; new 8" PVC line on 86<sup>th</sup> Street and an 8" line on 17<sup>th</sup> Avenue between 84<sup>th</sup> and 86<sup>th</sup> Street. Will be assessed but will be funded under sanitary sewer utility fund. Provided background and tentative construction schedule for 2016, proposing to start construction in June.

Long stated the expected completion date is November 2016. Trying to shorten the timeline would result in people not being able to get in and out of the neighborhoods. Doing the work in one-block increments to minimize impacts.

Abrams encouraged staff to bring photos as the project gets underway as a chance to show what it takes and where the money goes that's spent on the project. Suggested getting televised updates and utilizing various communication channels.

Long discussed the safety precautions that will be put in place. Mentioned that based on past projects, the best option is to use double boxes during the day and have three backhoes. No fences but would backfill before leaving for the night. If there's open excavation, would put up safety fence around holes, or plate over the box depending on what they're doing and how deep. The company holds the liability so it's in their best interest to have a safe working environment.

Oleson went to the informational meeting and heard concern for driveways being blocked, parking on street. Knowing there will be communication with police will alleviate that issue.

Motion by Abrams.  
Seconded by Oleson.  
Motion carried 7-0.

## **8 ORDINANCES: PUBLIC HEARINGS**

### **8.1 City Code Amendments - Miscellaneous Issues Ordinance**

Requested Action: Planning Commission and staff recommend the following motion:

In Case PL2016-12, move to adopt the Ordinance as attached to the staff report to amend Chapters 2, 10, 14, 15, 19, 21, and 22 of the City Code.

Community Development Planner Jason Schmidt presented the city code amendments via PowerPoint presentation.

Transient lodging was not called out within city code. Staff is proposing to enhance the definition for transient lodging to include possession and tenancy. Expanding examples within the definition to include crash pads and hostiles. Rental licensing wording to be reworked.

Baloga asked if barter gets included, considering a lot of vacation rental homes are under barter. Schmidt deferred to City Attorney Johnson who responded.

Schmidt stated that definition of sports training facility needed clarification.

Mayor Winstead mentioned a sports facility that holds competitions regularly here, and are underparked during competitions.

Schmidt responded that sports training facilities are Conditional Use Permits within all zoning districts they are allowed. Parking to accommodate for the competitions they're planning to have at the location.

Schmidt mentioned other updates needed via PowerPoint, including placing use table matrix back within code, accessory structure – location.

Baloga asked for more information regarding college and university conditional use in LX zone.

Schmidt mentioned there have been inquiries in Lindau mixed use. Currently not permitted. Staff put it within the guidelines, ran it past Planning Commission, and now brought it to City Council.

Community Development Director Larry Lee mentioned in Normandale Lake District, Bethel College is one example of what has worked well and is a very good mixed use because Bethel uses the space in evening, it has worked out well.

Baloga said he's still a bit uncomfortable with this. Asked Schmidt to discuss Mentioned driveway permits going from \$55 to \$75 because many cities don't require permit for driveway.

Schmidt said it makes sure driveways meet code compliance with width, approaches, and how many parking spaces may be used for driveways.

When asked if most cities have standards for driveways, Planning Manager Glen Markegard said there has not been exhaustive research on what cities have required permits. If we didn't have a permit and review process, a lot of driveways would be installed that don't meet code and would have non-conformities.

City Attorney Sandra Johnson mentioned an ordinance for encroachment agreements for installing pavers. Must get an encroachment agreement, then if digging it up, there is a methodology. If no permits, there could be issues with putting driveways beyond property lines which does happen, so it is fairly common to require permits.

Markegard provided historical background for privacy fences. Concerns presented, typically from corner properties. Markegard discussed the variances done since 2008 regarding safety issues and the four options.

Baloga said he supports keeping code as-is because it might just create more issues rather than fix them.

Carlson agreed with maintaining current code regarding fence height variances because the process seems to be working. Acknowledged that it is good that we monitor and keep track, but doesn't see something warranting a change from what we have in the code.

Mayor Winstead said he likes the way the code is now. Council agreed. Oleson stressed the importance of checking with the City when in doubt regarding fencing.

Baloga moved to approve the miscellaneous issues ordinance with the exception of the fence portion, which needs to be revised to stay as-is. Seconded by Carlson. Motion carried 7-0.



**8.1.1 Resolution Directing  
Summary Publication  
City Code Amendments**

Requested Action: Staff recommends motion to adopt resolution authorizing summary publication of the ordinance.

Motion by Baloga.

Seconded by Abrams.

Motion carried 7-0.

**9 OTHER: PUBLIC  
HEARINGS**

**10 ORGANIZATIONAL  
BUSINESS**

**10.1 City Council Policy &  
Issue Update**

City Manager Verbrugge had no policy or issue update.

Oleson mentioned resident concerns over use of storage pods. Oleson requested there be a study item where staff can give the history of rationale of reviewing ordinances regarding pod storage.

**11 ADJOURN**

Mayor Winstead adjourned Council Meeting at 9:20 PM.

Denise Dargan  
*Council Secretary*